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Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KA HOLDINGS OF NEW YORK, LTD.
a/k/a KA HOLDINGS LTD OF NY a/k/a
KA HOLDINGS LTD.,

Case No. 07 Civ. 9675 (SCR) (LMS)

Plaintiff,

NOTICE OF MOTION

-against-

CHRISTOPHER CHAGARIS,

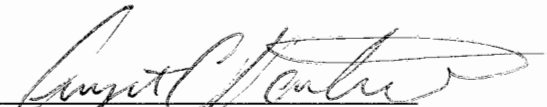
Defendant.
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PLEASE TAKE NOTICE that, upon the accompanying declarations of Christopher Chagaris, dated July 11, 2008, and Sean W. Higgins, dated July 14, 2008, the exhibits annexed thereto, and the accompanying Memorandum of Law dated July 14, 2008, and all prior pleadings and proceedings had herein, defendant Christopher Chagaris will move this Court before the Honorable Stephen C. Robinson, United States District Judge, at the United States Courthouse, 300 Quarropas St., Courtroom 633, White Plains, NY 10601, on a date to be determined, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order: (1) dismissing the Amended Complaint for lack of personal jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2); (2) dismissing the Amended Complaint based on improper venue, pursuant to Fed. R. Civ. P. 12(b)(3); or (3) in the alternative, transferring this action to the United States District Court for the Western District of North Carolina, pursuant to 28 U.S.C. §§ 1404(a) and/or 1406(a); (4) dismissing the fraud claim for failure to state a claim on which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6), and failure to plead fraud with requisite particularity, pursuant to Fed. R. Civ. P. 9(b);

(5) dismissing the claims for negligent misrepresentation, breach of fiduciary duty, breach of contract, violation of New York Judiciary Law § 487, and conversion for failure to state a claim on which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6); (6) dismissing the Amended Complaint with prejudice for lack of subject matter jurisdiction, as Plaintiff has failed to establish standing, pursuant to Fed. R. Civ. P. 12(b)(1), and (7) granting such other and further relief as to this Court seems just and proper.

Dated: New York, New York
July 14, 2008

VENTURINI & ASSOCIATES

By: 

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Sean W. Higgins

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